

REMARKS

In the outstanding official action, the Examiner requires an election of species under 35 U.S.C. § 121 between the following alleged patentably distinct species of the invention:

- I. The species of Figures 1 and 2;
- II. The species of Figure 3; or
- III. The species of Figure 4.

The Applicant thanks the Examiner for indicating that claim 20 is currently generic. The Applicant hereby confirms the verbal election of the claimed invention shown in Figures 1 and 2 of the drawings. The Applicant also hereby confirms the election of claims 20-36 and 39 and 40 which are readable on the elected species to be prosecuted on the merits.

The Applicant does not waive any rights with respect to the non-elected species and does not intend to abandon that subject matter. The Applicant respectfully requests that the non-elected species be withdrawn from further consideration but remain in this application subject to reinstatement, in the event that a generic claim is allowed, or for possible filing of a divisional application(s).

Next, the drawings are objected to for the reasons noted in the official action, e.g., the failure to show the packaging band and the pallet and articles. All of the raised drawing objections are believed to be overcome by the specification amendments requested above and the drawing amendments accompanying the attached Submission. In addition, Fig. 3 is amended to depict therein the horizontal axis 14. The new Replacement Sheets of formal drawing(s), accompanying this Submission, incorporate all of the requested drawing amendment(s). If any further amendment to the specification or the drawings is believed necessary, the Examiner is invited to contact the undersigned representative of the Applicant to discuss the same.

The above amended paragraphs 40 and 54 of the specification enter reference numerals to the elements which were not specifically shown in the drawing but adequately described by the originally filed specification. The undersigned avers that the newly amended paragraph of the specification does not contain any new subject matter.

Claims 22-28 and 30-34 are then rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for the reasons noted in the official action. The rejected claims are accordingly amended, by the above claim amendments, and the presently pending claims are now believed to particularly point out and distinctly claim the subject matter regarded as the invention, thereby overcoming all of the raised § 112, second paragraph, rejections. The entered claim amendments are directed solely at overcoming the raised indefiniteness rejection(s) and are not directed at distinguishing the present invention from the art of record in this case.

Claims 20,21, 27 and 29 are rejected, under 35 U.S.C. § 102(b), as being anticipated by Fulton et al. '703, while claims 20-22 are rejected as being anticipated by Sterner '585. Claims 26 and 31 are rejected, under 35 U.S.C. § 103(a), as being unpatentable over Sterner '585 in view of Pearson et al. '677 and claim 33 is rejected as being unpatentable over Sterner '585 in view of Fischer '363. The Applicant acknowledges and respectfully traverses the all of the raised anticipatory and obviousness rejections in view of the above remarks.

The Applicant thanks the Examiner for indicating that claims 23-25, 28, 30, 32 and 34 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claim(s). In accordance with this indication, claims 20, 28 and 37 are appropriately revised to be independent claims, and those amended independent claim(s) are now believed to be allowable. Specifically, the subject matter of claim 28, deemed allowable by the Examiner, but not including the non-essential subject matter of claim 27 is incorporated into

claim 20 and this amended independent claim 20 is now believed to recite the true scope of the present invention and is believed to be allowable over the art of record. Second, claim 28 is amended to include the subject matter of claims 20 and 27 and this amended independent claim is now believed to allowable as well. Lastly, amended claim 37 is written as an independent claim and also includes the subject matter of 20. As claims 21-26, 29-36 and 38-40 all depend, either directly or indirectly, from either one of new independent claims, all of those dependent claims are now believed to be allowable as well.

If any further amendment to this application is believed necessary to advance prosecution and place this case in allowable form, the Examiner is courteously solicited to contact the undersigned representative of the Applicant to discuss the same.

In view of the above claim amendments, the Applicant respectfully submits that further comments concerning the applied prior art is not believed necessary. The Applicant also notes the remaining prior art cited in the official action. As none of that additional art is applied by the Examiner against the claims of this application, the Applicant is not providing any comments concerning that art as well.

In view of the above amendments and remarks, it is respectfully submitted that all of the raised rejection(s) should be withdrawn at this time. If the Examiner disagrees with the Applicant's view concerning the withdrawal of the outstanding rejection(s) or applicability of the Fulton et al. '703, Sterner '585, Pearson et al. '677 and/or Fischer '363 references, the Applicant respectfully requests the Examiner to indicate the specific passage or passages, or the drawing or drawings, which contain the necessary teaching, suggestion and/or disclosure required by case law. As such teaching, suggestion and/or disclosure is not present in the applied references, the raised rejection should be withdrawn at this time. Alternatively, if the Examiner is relying on his/her expertise in this field, the Applicant respectfully requests the

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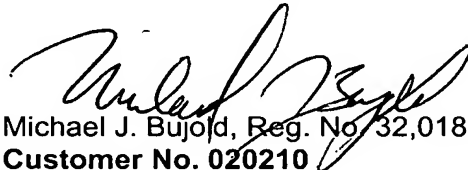
Examiner to enter an affidavit substantiating the Examiner's position so that suitable contradictory evidence can be entered in this case by the Applicant.

In view of the foregoing, it is respectfully submitted that the raised rejection(s) should be withdrawn and this application is now placed in a condition for allowance. Action to that end, in the form of an early Notice of Allowance, is courteously solicited by the Applicant at this time.

The Applicant respectfully requests that any outstanding objection(s) or requirement(s), as to the form of this application, be held in abeyance until allowable subject matter is indicated for this case.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,



Michael J. Bujold, Reg. No. 32,018

Customer No. 020210

Davis & Bujold, P.L.L.C.

Fourth Floor

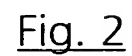
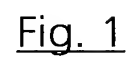
500 North Commercial Street

Manchester NH 03101-1151

Telephone 603-624-9220

Facsimile 603-624-9229

E-mail: patent@davisandbujold.com



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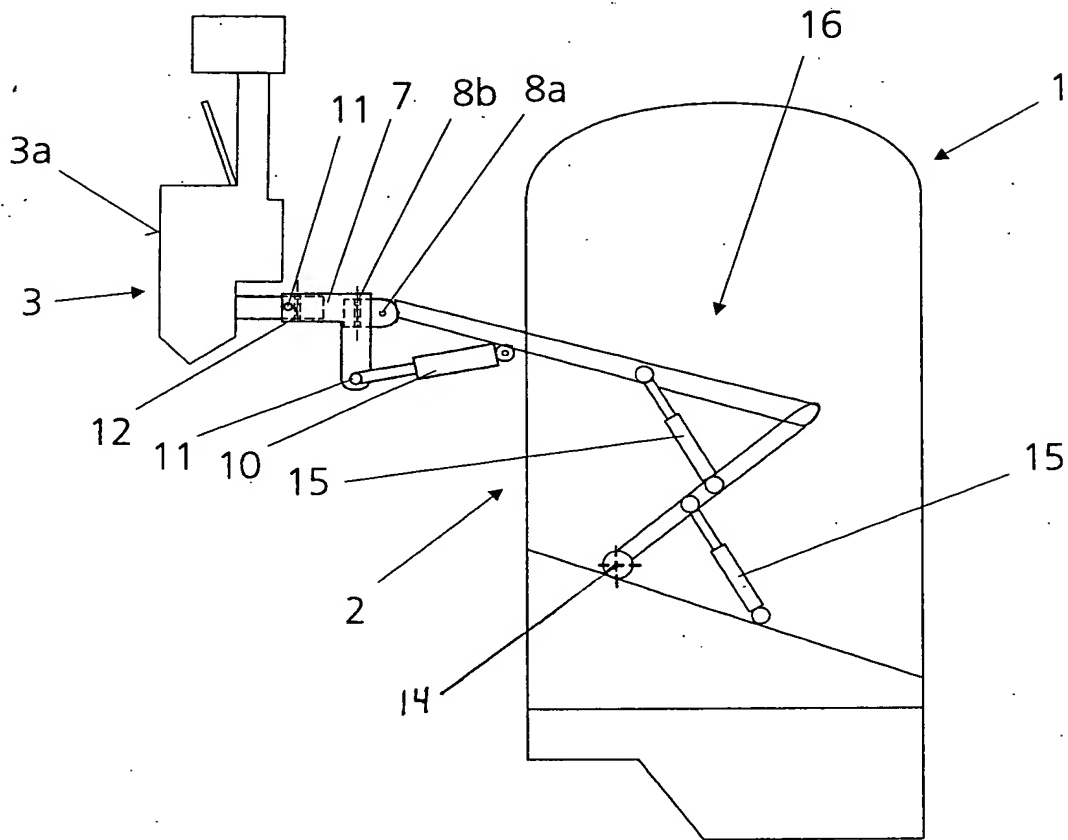


Fig. 3

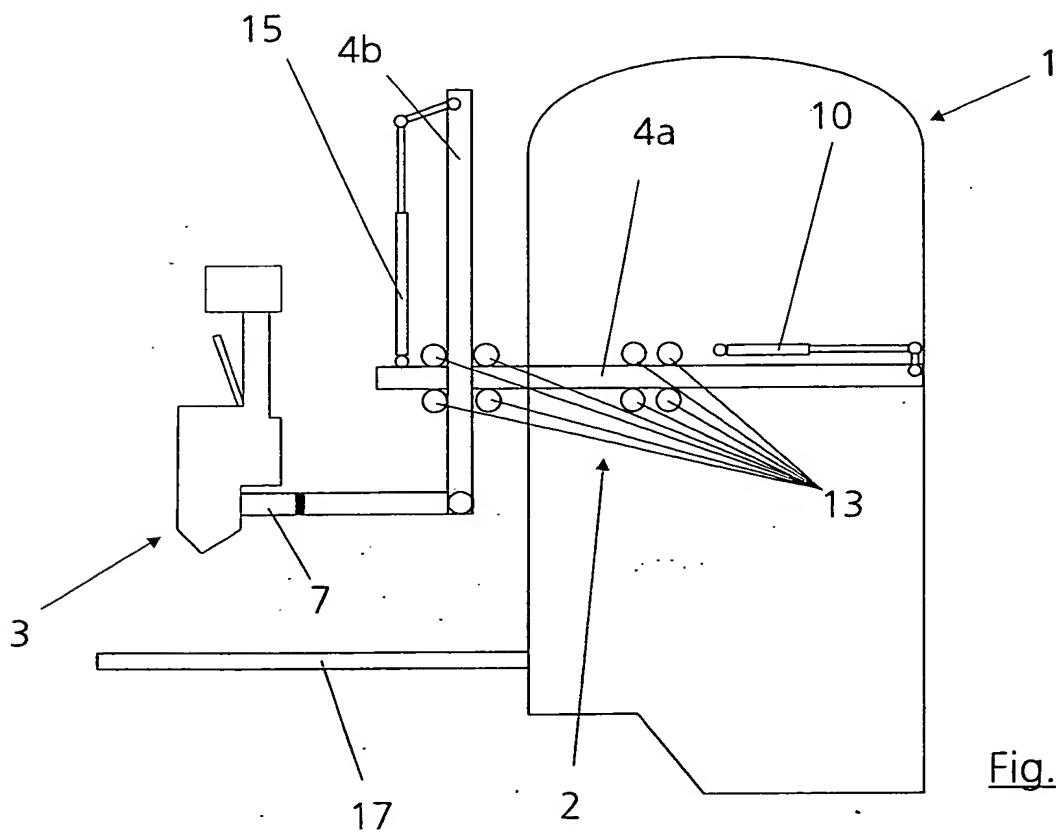


Fig. 4